

TOWN OF DALTON
SPECIAL TOWN MEETING
WAHCONAH REGIONAL HIGH SCHOOL – OCTOBER 18, 2010 – 7:00 P.M.

The Moderator, Ronald J. Marcella, Sr., called the Meeting to order at 7:00 p.m. Maureen M. Mitchell, Victoria M Sedgwick, and Laura L. Maffuccio were appointed tellers and sworn by Town Clerk, Barbara L. Suriner. There was a total of 44 Registered Voters checked at the door as follows:

PRECINCT 1 - 29
PRECINCT 2 - 16
45

ARTICLE 1. It was moved, seconded and voted that the Town approve Article 1 as presented in the Warrant except that the first part of clause (d) shall state “approve that the project be designated as a certified expansion project for four years”

(a) approve the Tax Increment Financing (TIF) Agreement between Kelly’s Package Store, Inc. and the Town of Dalton, substantially in the form on file with the Town Clerk (the “TIF Agreement”), pursuant to GL.c.40, s.59 and confirming the Select Board’s designation of the property at 653 Main Street, Map 114, Lot 62, and 28 Daly Avenue, Map 109, Lot 80 as an Economic Opportunity Area (“Celtic Penguin EOA”) and TIF Plan, including designation of a TIF Zone as described in the TIF Plan;

(b) authorize the Select Board to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and

(c) authorize the Select Board to submit an Economic Opportunity Area Application, Tax Increment Financing Plan and Certified Project Application, and any associated documents to the Massachusetts Economic Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Celtic Penguin EOA, TIF Zone, TIF Plan and Certified Expansion Project;

(d) approve that the project be designated as a certified expansion project for four years and confirm that the application submitted by the controlling business meets the requirements of 402 CMR 2. 10(3), and find that

(1) the project, as proposed, is consistent with and can reasonably be expected to benefit significantly from inclusion in the EOA;

(2) the project, together with all other projects previously certified and located in the same expansion project EOA, will not overburden the Town’s infrastructure and utilities servicing the EOA; and

(3) the project as described in the proposal will have a reasonable chance of increasing employment opportunities for residents of the expansion project area, ETA.

CARRIED. UNANIMOUSLY.

ARTICLE 2. It was moved, seconded and voted that the Town amend the vote taken under Article 5 at the Annual Town Meeting on May 3, 2010, by reducing appropriations for several departments as follows: #135, Accountant Expenses- \$3,400.00; #141, Assessors Salaries - \$3,508.00; #159, Tax Foreclosure Expenses - \$2,500.00; #401, Town Engineer Expenses - \$3,000.00; #420, Highway Salaries - \$13,400.00; #434, Transfer Station Salaries - \$2,300.00; Expenses - \$5,000.00; #710 TH, Debt Service- \$179,401.00; #914; Group Health Expenses - \$37,136.00; #998, Pension Reserve Fund, \$1.00; and further that the appropriations for several departments be increased as follows: #320, Vocational Education Expenses - \$72,492.00; #491, Cemetery Salaries - \$853.00; #541, Council on Aging Salaries - \$1,720.00; #650 Parks Maintenance Salaries - \$277.00; #710 H Debt Service - \$184,718; and #913, Unemployment Expenses - \$18,870.

CARRIED. UNANIMOUSLY.

ARTICLE 3. It was moved, seconded and voted that the Town transfer \$ 40,000.00 from the Litigation Stabilization Fund to the General Stabilization Fund and further that \$88,470.00 be transferred from the General Stabilization Fund to balance the budget and to pay for unanticipated expenses in Fiscal Year 2011.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 4. It was moved, seconded and voted that the Town suspend Article 4 and revisit later in the meeting.

CARRIED. UNANIMOUSLY.

TWO-THIRDS VOTE REQUIRED (MAIN MOTION)

A Motion was made and seconded to amend the Main Motion by deleting the Craneville/Ashuelot Fence and reducing the appropriation to \$40,900.00.

DEFEATED. YES – 16 NO - 16

The Main Motion was then voted.

DEFEATED. YES – 21 NO – 16

It was moved and seconded to reconsider the Main Motion.

CARRIED. DECLARED MAJORITY.

The Main Motion was then read again and voted.

DEFEATED. YES – 22 NO - 12

ARTICLE 5. It was moved, seconded and voted that the Town accept the following sentence from Massachusetts General Laws Chapter 59, Section 2A (a) “buildings and other things erected on or affixed to land during the period beginning on January second and ending on June thirtieth of the fiscal year preceding that to which the tax relates shall be deemed part of such real property as of January first.” And further that said acceptance shall take effect as of January second 2011.

CARRIED. UNANIMOUSLY.

ARTICLE 6. It was moved, seconded and voted that the Town appropriate \$178,228.00 to be reimbursed by a Grant from the Commonwealth of Massachusetts in accordance with Chapter 90 of the Massachusetts General Laws.

CARRIED. UNANIMOUSLY.

ARTICLE 7. It was moved, seconded and voted that the Town amend Chapter 1, ARTICLE III of the Code of the Town of Dalton to add Section 1-6.1 Renumbering of general bylaws, as follows: Non-substantive changes to the numbering of the various bylaws within the Code of the Town of Dalton shall be permitted in order that the numbering of amendments thereto and other consequent renumbering changes resulting therefrom be in compliance with the numbering format of said Code.

CARRIED. UNANIMOUSLY.

ARTICLE 8. It was moved, seconded and voted that the Town amend Chapter 1, ARTICLE IV of the Code of the Town of Dalton to add Section 1-7.1 Renumbering of Zoning Bylaw as follows: Non-substantive changes to the numbering of the Zoning Bylaw within the Code of the Town of Dalton shall be permitted in order that the numbering of amendments thereto and other consequent renumbering changes resulting therefrom be in compliance with the numbering format of said Code.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 9. It was moved, seconded and voted that the Town that the Town amend Chapter 67, Section 1 of the Code of the Town of Dalton to provide for two alternate members on the Council on Aging by striking all language after the word citizens in the second line of said section and substituting the following language therefor: “and a maximum of two alternate members of said Council, all of whom shall be appointed upon recommendation of the Town Manager and ratification by the Select Board in accordance with the provisions of Chapter 137 of the Acts of 1995, Section 4. Said alternate members may attend Council on Aging meetings and shall be allowed to speak but not to vote except in the absence of a quorum of the regular members of the Council on Aging”.

CARRIED. UNANIMOUSLY.

ARTICLE 10. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton Chapter 350, Zoning, by re-numbering ARTICLE XVIII, Planned Industrial Development District, therein, to ARTICLE XVII.A.

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 11. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton Chapter 350, Zoning, to correct an error by re-numbering section 64A, therein, to Section 63.1.

TWO-THIRDS VOTE REQUIRED

ARTICLE 12. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350, Zoning, Attachment 1, Table of Use Regulations, Principal Permitted Uses, line C.5. by deleting the language therein in its entirety and substituting the following language therefor: "Automotive sales and services, automotive repair shops, public garages, taxi service or car washes".

TWO-THIRDS VOTE REQUIRED

CARRIED. UNANIMOUSLY.

ARTICLE 13. It was moved, seconded and voted that the Town amend the Code of the Town of Dalton, Chapter 350, Zoning, Attachment 1, Table of Use Regulations, Principal Permitted Uses, line F.13. by deleting the language therein in its entirety and substituting the following language as set forth below:

	R-1	R-2	R-3	R-4	B-1	B-2	I-1	I-2	PIDD
13. Drive Through Facility for banks, and financial institutions. No other uses may have Drive Through facilities.	PA	PA	PA	NP	PA	PA	NP	NP	PB

TWO-THIRDS VOTE REQUIRED

DEFEATED. YES – 18 NO - 17

ARTICLE 4. It was moved and seconded that the Town vote to transfer \$48,400.00 from the Capital Stabilization Fund for the costs related to the Fiscal Year 2011 annual element of the Capital Improvement Program for the purchase and installation of the following items: Craneville/Ashuelot Fence - \$7,500.00, Route 8 Crosswalk light at Nessacus Regional Middle School - \$15,000.00, Stainless Steel Sander - \$15,000.00, Town Hall Lavatories - \$1,500.00, SQL Server Software - \$3,400.00, and Server - \$6,000.00, and further that the vote taken under Article 13 at the Annual Town Meeting on May 3, 2010 be amended by reducing the appropriation from said Capital Stabilization Fund from \$187,499.00 to \$134,264.00.

TWO-THIRDS VOTE REQUIRED (MAIN MOTION)

A Motion was made and seconded to amend the Main Motion by deleting the Craneville/Ashuelot Fence and reducing the appropriation to \$40,900.00.

DEFEATED. YES – 16 NO - 16

The Main Motion was then voted.

DEFEATED. YES – 21 NO – 16

It was moved and seconded to reconsider the Main Motion.

CARRIED. DECLARED MAJORITY.

The Main Motion was then read again and voted.

DEFEATED. YES – 22 NO - 12

Meeting adjourned at 8:48 p.m.

A true copy. ATTEST:

Barbara L. Suriner, TOWN CLERK